

# SEDGWICK

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**MEMO ENDORSED** www.sdnny.com

**VIA FAXCIMILE**

Honorable Colleen McMahon, U.S.D.J.  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007  
 (212) 805-6326

**Re: Terrano v. Foster Wheeler, et al.**  
**Civil Action No. 08-cv-4684-CM**

Dear Judge McMahon:

This firm represents Foster Wheeler LLC ("Foster Wheeler") and General Electric Company ("GE") in the above-captioned matter. As Your Honor is aware, Foster Wheeler removed this case to federal court based upon the federal officer removal statute, 28 U.S.C. § 1442. Plaintiff has filed a Motion to Remand this action back to New York State Court which is pending before this Court.

After Foster Wheeler's Notice of Removal was filed and before plaintiff filed his Motion to Remand, plaintiff and Foster Wheeler settled this matter. When Foster Wheeler attempted to withdraw the removal, Your Honor directed us to obtain consent from each defendant to effectuate the remand of this action back to state court. In accordance with that directive, Foster Wheeler sent to each defendant an Order Withdrawing Foster Wheeler's Notice of Removal and asked them to consent to it. To date, we have received five executed consent orders, which are enclosed for the Court. We have not received any response to our request from the following defendants:

Defendant(s)

Counsel of Record

CBS Corp., Cleaver Brooks Co., Inc., J.H.  
 France Refractories Co., Premier Refractories,  
 Inc. and Weil McLain

Malaby Carlisle

NJ/212617v1

I refuse to participate in this blatant attempt to avoid MDL status unless there truly is no jurisdiction.

CMR

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Bell & Gossett Co, ITT Industries and Trane  
U.S. Inc.

McGuire Woods

Buffalo Pumps, Inc.

Wilbraham Lawler

Aurora Pump Co., The Fairbanks Co. and  
Patterson Pump

McGivney Kluger

Crane Co. and Jenkins Valve, Inc.

K&L Gates

Ingersoll Rand Co.

Pehlivanian Braaten

IMO Industries

Lader & Berkman

Goulds Pumps

Cullen & Dykman

Owens-Illinois, Inc.

Schiff Hardin

Rapid American Corp.

Sonnenchein Nath

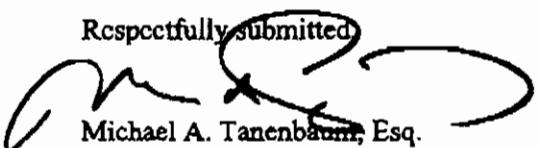
Kennedy Valve Manufacturing Co., Inc.

Maynard Cooper

On June 26, 2008, in accordance with the request from your Chambers, Foster Wheeler advised the Court that the above case had settled between plaintiff and Foster Wheeler and that Foster Wheeler would not oppose plaintiff's Motion to Remand. GE has also settled this case and it will not oppose plaintiff's Motion to Remand this matter back to New York State Court.

We hope this answers the Court's questions concerning the status of this matter.

Respectfully submitted,

  
Michael A. Tanenbaum, Esq.  
Sedgwick, Detert, Moran & Arnold LLP

Enc.

cc: All Counsel of Record (w/o enc.)